

**Landscape Architects Practice Act Updates**  
through January 1, 2007

*Effective January 1, 2005*

**5620. Board of Landscape Architects – Transfer of Duties**

The duties, powers, purposes, responsibilities, and jurisdiction of the California State Board of Landscape Architects that were succeeded to and vested with the Department of Consumer Affairs in accordance with Chapter 908 of the Statutes of 1994 are hereby transferred to the California Architects Board. The Legislature finds that the purpose for the transfer of power is to promote and enhance the efficiency of state government and that assumption of the powers and duties by the California Architects Board shall not be viewed or construed as a precedent for the establishment of state regulation over a profession or vocation that was not previously regulated by a board, as defined in Section 477.

- (a) There is in the Department of Consumer Affairs a California Architects Board as defined in Article 2 (commencing with Section 5510) of Chapter 3. Whenever in this chapter "board" is used it refers to the California Architects Board.
- (b) Except as provided herein, the board may delegate its authority under this chapter to the Landscape Architects Technical Committee.
- (c) After review of proposed regulations, the board may direct the examining committee to notice and conduct hearings to adopt, amend, or repeal regulations pursuant to Section 5630, provided that the board itself shall take final action to adopt, amend, or repeal those regulations.
- (d) The board shall not delegate its authority to discipline a landscape architect or to take action against a person who has violated this chapter.
- (e) This section shall become inoperative on July 1, 2009, and as of January 1, 2010, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2010, deletes or extends the date on which it becomes inoperative and is repealed.

**5621. Landscape Architects Technical Committee – Members**

- (a) There is hereby created within the jurisdiction of the board, a Landscape Architects Technical Committee, hereinafter referred to in this chapter as the landscape architects committee.
- (b) The landscape architects committee shall consist of five members who shall be licensed to practice landscape architecture in this state. The Governor shall appoint three of the members. The Senate Committee on Rules and the Speaker of the Assembly shall appoint one member each.
- (c) The initial members to be appointed by the Governor are as follows: one member for a term of one year; one member for a term of two years; one member for a term of three years. The Senate Committee on Rules and the Speaker of the Assembly shall initially each appoint one member for a term of four years. Thereafter, appointments shall be made for four-year terms, expiring on June 1 of the fourth year and until the appointment and qualification of his or her successor or until one year shall have elapsed whichever first occurs. Vacancies shall be filled for the unexpired term.
- (d) No person shall serve as a member of the landscape architects committee for more than two consecutive terms.
- (e) This section shall become inoperative on July 1, 2009, and as of January 1, 2010, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.

**5622. Landscape Architects Technical Committee – Duties and Functions**

- (a) The landscape architects committee may assist the board in the examination of candidates for a landscape architect's license and, after investigation, evaluate and make recommendations regarding potential violations of this chapter.
- (b) The landscape architects committee may investigate, assist, and make recommendations to the board regarding the regulation of landscape architects in this state.
- (c) The landscape architects committee may perform duties and functions that have been delegated to it by the board pursuant to Section 5620.

(d) The landscape architects committee may send a representative to all meetings of the full board to report on the committee's activities.

(e) This section shall become inoperative on July 1, 2009, and, as of January 1, 2010, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.

#### **5641. Chapter Exceptions, Exemptions**

This chapter shall not be deemed to prohibit any person from preparing drawings for the conceptual design and placement of tangible objects and landscape features or plans, drawings, and specifications for the selection, placement, or use of plants for a single family dwelling. Construction documents, details, or specifications for the tangible objects or landscape features, and alteration of site requiring grading and drainage plans shall be prepared by a licensed professional as required by law.

##### **5641.1. Chapter Exceptions, Exemptions - Personal Property**

This chapter shall not be deemed to prohibit any person from preparing any plans, drawings, or specifications for any property owned by that person.

##### **5641.2. Chapter Exceptions, Exemptions - Nurserypersons**

Every person who holds a valid license issued by the State of California, under the provisions of Chapter 1 (commencing with Section 6721) of the Food and Agricultural Code, authorizing engagement in the business of selling nursery stock in this state, may engage in the preparation of planting plans or drawings as an adjunct to merchandizing nursery stock and related products, but may not use the title of landscape architect. Such activity is exempt from licensure under the provisions of this chapter.

##### **5641.3. Chapter Exceptions, Exemptions - Architects, Professional Engineers, and Land Surveyors**

An architect, professional engineer or land surveyor licensed or registered under the statutes of this state, insofar as the licensed or registered professional practices the profession for which he or she is licensed or registered, is exempt from the provisions of this chapter, except that an architect, professional engineer, or land surveyor may not use the title "landscape architect" unless he or she holds a license as required under this chapter.

##### **5641.4. Chapter Exceptions, Exemptions - Landscape Contractors**

A landscape contractor licensed under the statutes of this state may design systems and facilities for work to be performed and supervised by that landscape contractor, insofar as he or she works within the classification for which he or she is licensed. The licensed landscape contractor is exempt from the provisions of this chapter, except that he or she may not use the title "landscape architect" unless he or she holds a license as required under this chapter.

##### **5641.5. Chapter Exceptions, Exemptions - Golf Course Architects**

(a) Nothing contained in this chapter shall be deemed to prohibit a person from engaging in the practice of, or offering to practice as, a golf course architect.

(b) As used in this section, "golf course architect" means a person who performs professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and responsible supervision, where the dominant purpose of such service is the design of a golf course, in accordance with accepted professional standards of public health and safety.

##### **5641.6. Chapter Exceptions, Exemptions - Irrigation Consultants**

(a) Nothing contained in this chapter shall be deemed to prohibit a person from engaging in the practice of, or offering to practice as, an irrigation consultant.

(b) As used in this section, "irrigation consultant" means a person who performs professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and responsible supervision, where the dominant purpose of such service is the design of landscape irrigation, in accordance with accepted professional standards of public health and safety.

## **5651. Examination of Applicants**

(a) The board shall by means of examination, ascertain the professional qualifications of all applicants for licenses to practice landscape architecture in this state and shall issue a license to every person whom it finds to be qualified on payment of the initial license fee prescribed by this chapter.

(b) The examination shall consist of a written examination. The written examination may be waived by the board if the applicant (1) is currently licensed by a United States jurisdiction, Canadian province, or Puerto Rico and has passed a written examination equivalent to that which is required in California at the time of application and (2) has passed the California supplemental examination if, at the time of application, it is required of all California applicants.

## **5657. Filing of Mailing Address – Requirement**

Each licensee shall file his or her current mailing address with the board at its office in Sacramento, California, and shall notify the board of any and all changes of mailing address, providing both his or her old and new address within 30 days after a change. A penalty as provided in this chapter shall be paid by a licensee who fails to notify the board within 30 days after a change of address.

## **5659. Inclusion of License Number – Requirement**

Each person licensed under this chapter shall sign, date, and seal or stamp using a seal or stamp described in this section, all plans, specifications, and other instruments of service therefore, prepared for others as evidence of the person's responsibility for those documents. Failure to comply with this section constitutes a ground for disciplinary action. Each person licensed under this chapter shall use a seal or stamp of the design authorized by the board, bearing his or her name, license number, the legend "licensed landscape architect," the legend "State of California" and a means of providing a signature, the renewal date of the license, and date of signing and sealing or stamping.

*Effective January 1, 2006*

## **5641.4. Chapter Exceptions, Exemptions - Landscape Contractors**

A landscape contractor licensed under the statutes of this state, insofar as he or she works within the classification for which the license is issued, may design systems and facilities for work to be performed and supervised by that landscape contractor and is exempt from the provisions of this chapter, except that a landscape contractor may not use the title "landscape architect" unless he or she holds a license as required under this chapter.

*Effective January 1, 2007*

## **5615. "Landscape Architect" – Practice of Landscape Architecture**

"Landscape architect" means a person who holds a license to practice landscape architecture in this state under the authority of this chapter.

A person who practices landscape architecture within the meaning and intent of this article is a person who offers or performs professional services, for the purpose of landscape preservation, development and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation. Landscape preservation, development and enhancement is the dominant purpose of services provided by landscape architects. Implementation of that purpose includes: (1) the preservation and aesthetic and functional enhancement of land uses and natural land features; (2) the location and construction of aesthetically pleasing and functional approaches and settings for structures and roadways; and, (3) design for trails and pedestrian walkway systems, plantings, landscape irrigation, landscape lighting, landscape grading and landscape drainage.

Landscape architects perform professional work in planning and design of land for human use and enjoyment. Based on analyses of environmental physical and social characteristics, and economic considerations, they produce overall plans and landscape project designs for integrated land use.

The practice of a landscape architect may, for the purpose of landscape preservation, development and enhancement, include: investigation, selection, and allocation of land and water resources for appropriate uses; feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation review, and analysis of master plans for land use and development; production of overall site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details; specifications; cost estimates and reports for land development; collaboration in the design of roads, bridges, and structures with respect to the functional and aesthetic requirements of the areas on which they are to be placed; negotiation and arrangement for execution of land area projects; field observation and inspection of land area construction, restoration, and maintenance.

This practice shall include the location, arrangement, and design of those tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities, in accordance with the accepted public standards of health, safety, and welfare.

This chapter shall not empower a landscape architect, licensed under this chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches.

#### **5678. Report of Settlement or Arbitration Award - Licensee**

(a) A licensee shall report to the board in writing within 30 days of the date the licensee has knowledge of any civil action judgment, settlement, arbitration award, or administrative action resulting in a judgment, settlement, or arbitration award against the licensee in any action alleging fraud, deceit, negligence, incompetence, or recklessness by the licensee in the practice of landscape architecture if the amount or value of the judgment, settlement, or arbitration award is five thousand dollars (\$5,000) or greater.

(b) The report required by subdivision (a) shall be signed by the licensee and shall set forth the facts that constitute the reportable event. If the reportable event involves the action of an administrative agency or court, the report shall set forth all of the following:

- (1) The title of the matter.
- (2) The court or agency name.
- (3) The docket number.
- (4) The claim or file number.
- (5) The date on which the reportable event occurred.

(c) A licensee shall promptly respond to oral or written inquiries from the board concerning the reportable events, including inquiries made by the board in conjunction with license renewal.

(d) Failure of a licensee to comply with this section shall be grounds for disciplinary action.

(e) A licensee who fails to comply with this section may be subject to a civil penalty of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) as an intermediate sanction imposed by the board in lieu of revoking the licensee's license. A licensee who knowingly and intentionally fails to comply with this section may be subject to a civil penalty of up to twenty thousand dollars (\$20,000) as an additional intermediate sanction imposed by the board in lieu of revoking the licensee's license.

#### **5678.1. Report of Settlement or Arbitration Award - Insurer**

(a) Within 30 days of payment of all or any portion of a civil action judgment, settlement, or arbitration award described in Section 5678 against a licensee of the board in which the amount or value of the judgment, settlement, or arbitration award is five thousand dollars (\$5,000) or greater, any insurer providing professional liability insurance to that licensee or landscape architectural entity shall report to the board all of the following:

- (1) The name of the licensee.
- (2) The claim or file number.
- (3) The amount or value of the judgment, settlement, or arbitration award.
- (4) The amount paid by the insurer.
- (5) The identity of the payee.

(b) Within 30 days of payment of all or any portion of any civil action judgment, settlement, or arbitration award described in Section 5678 against a licensee of the board in which the amount or value of the judgment, settlement, or arbitration award is five thousand dollars (\$5,000) or greater, any state or local governmental agency that self insures that licensee shall report to the board all of the following:

- (1) The name of the licensee.
- (2) The claim or file number.
- (3) The amount or value of the judgment, settlement, or arbitration award.
- (4) The amount paid.
- (5) The identity of the payee.

#### **5678.2. Application of Reporting Requirements**

The requirements of Sections 5678 and 5678.1 shall apply if a party to the civil action, settlement, arbitration award, or administrative action is or was (a) a sole proprietorship, partnership, firm, corporation, or state or local governmental agency in which a licensee is or was an owner, partner, member, officer, or employee and (b) a licensee in responsible control of that portion of the project that was the subject of the civil judgment, settlement, arbitration award, or administrative action.

#### **5678.3. Report to Board Not a Violation of Confidentiality**

Notwithstanding any other provision of law, a licensee shall not be considered to have violated a confidential settlement agreement or other confidential agreement by providing a report to the board as required by this article.

#### **5678.4. Adoption of Reporting Requirement Regulations**

The board may adopt regulations to further define the reporting requirements of Sections 5678 and 5678.1.

#### **5678.5. Repealed**

#### **5679.5. Repealed**

*Effective April 7, 2005*

#### **2604. Filing of Mailing Address.**

Each person holding a license from the Board shall file his or her current mailing address with the Board at its office in Sacramento, California, and shall immediately notify the Board of any and all changes of mailing address, giving both his or her old and new addresses. The licensee's mailing address shall be a matter of public record. A penalty as provided in Section 5681 of the Code and Section 2649 shall be paid by a licensee who fails to notify the Board within 30 days after a change of address.

#### **2615. Form of Examinations.**

All candidates for licensure as a landscape architect shall pass all sections of the Landscape Architect Registration Examination (hereafter LARE) and the California Supplemental Examination subject to the following provisions:

- (a) A candidate who is licensed as a landscape architect in a U.S. jurisdiction, Canadian province, or Puerto Rico by having passed a written examination substantially equivalent in scope and subject matter to the written examination last given in California as determined by the board shall be eligible for licensure upon passing the California Supplemental Examination.
- (b) A candidate who is not a licensed landscape architect and who has received credit from a U.S. jurisdiction, Canadian province, or Puerto Rico for sections of a written examination shall be entitled to receive board credit for the corresponding sections of the 1997 and thereafter LARE in accordance with section 2614 provided the board determines that the written examination is equivalent in scope and subject matter to the written examination last given in California.
- (c) A candidate who has received transfer credit from the board for sections of the Uniform National Examination, the 1992 Landscape Architect Registration Examination, or the Professional Examination for Landscape Architecture shall be eligible for licensure upon passing the remaining sections of the 1997 and thereafter LARE and the California Supplemental Examination.

#### **2624. Expired License - Three Years After Expiration.**

An applicant whose landscape architect license has been expired for more than three years but less than five years shall be eligible for a new license upon:

- (a) Complying with the provisions of Business and Professions Code Section 5680.2;
- (b) Completing the re-licensure application process as follows:
  - (1) Submitting application for examination and all fees required of first-time applicants (see sections 2610 and 2649);
  - (2) Submitting work samples and supporting materials that demonstrate applicant's current knowledge and experience in landscape architecture; and
  - (3) Passing current sections of the national licensing examination, if any, designated by the Landscape Architects Technical Committee;
- (c) Passing the California Supplemental Examination.

#### **2624.1. Expired License - Five Years After Expiration.**

An applicant whose landscape architect license has been expired for more than five years shall be eligible for a new license upon:

- (a) Complying with the provisions of Business and Professions Code section 5680.2, subdivisions (a) and (b) (see also sections 2610 and 2649);
- (b) Passing the current national licensing examination; and

**2608. Public Information System – Disclosure.**

- (a) The Board shall establish and maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against licensed landscape architects and unlicensed persons subject to the Board's jurisdiction and Division 3, Chapter 3.5 of the Code (commencing with section 5615). Such a system shall also provide the public with information regarding the licensed status of the Board's licensees.

Information subject to the public information system shall be disclosed to members of the public, upon request, by telephone, in person, or in writing (including fax or email). Such information, when feasible and to the extent required or permitted by law, shall be made available by the Board in writing or by telephone. Requests for information shall be responded to within ten (10) days.

- (b) Information to be Disclosed Regarding License Status.

The Board shall disclose the following information regarding past and current licensees:

- (1) The name of the licensee, as it appears in the Board's records;
- (2) The license number;
- (3) The address of record;
- (4) The license issue date;
- (5) The license expiration date; and
- (6) The license status and history.

- (c) Information to be Disclosed Regarding Disciplinary or Enforcement Actions.

Unless otherwise required by law, the Board shall disclose the following information regarding disciplinary or enforcement actions taken against licensees and unlicensed persons, if applicable:

- (1) Total number of disciplinary and enforcement actions taken by the Board;
- (2) Brief summary of disciplinary and enforcement actions taken by the Board; Citations that have been satisfactorily resolved shall be disclosed as such;
- (3) Current status of pending Accusations, Statements of Issues, and Citations filed by the Board; disclosure of pending actions shall contain a disclaimer stating that the pending administrative action(s) against the person is/are alleged and no final legal determination has yet been made; further disclaimers or cautionary statements regarding such pending actions may also be made; and
- (4) Information which is statutorily mandated to be disclosed.

- (d) Information to be Disclosed Regarding Complaints.

- (1) The Board shall disclose complaint information when the executive officer has determined that:

- (A) The complaint information has a direct and immediate relationship to the health and safety of another person; and

- (B) One or more of the following have occurred:

1. A complaint involves a dangerous act or condition caused by the subject of the complaint that has or could result in a death, bodily injury or severe consequences and disclosure may protect the consumer and/or prevent additional harm to the public;
2. A series of complaints against a party alleging a pattern of unlawful activity has been received by the Board and it has been determined that disclosure may protect the consumer and/or prevent additional harm to the public;
3. A complaint has been referred to the Attorney General for filing of an Accusation or Statement of Issues; or
4. A complaint has been referred to other law enforcement entity for prosecution.

- (2) Complaint information that is determined to meet the conditions of disclosure listed in subsection (d)(1) shall be incorporated into the public information system no later than ten (10) days after the conditions of disclosure have been met.

- (3) Information about a complaint shall not be disclosed if it is determined by the executive officer that any of the following apply:
  - (A) Disclosure is prohibited by statute or regulation;
  - (B) Disclosure might compromise an investigation or prosecution; or
  - (C) Disclosure might endanger or injure the complainant or third party.
- (4) When conditions of disclosure have been met, the Board shall disclose the following information regarding complaints received against licensees and unlicensed persons, if applicable:
  - (A) Total number of complaints meeting conditions of disclosure;
  - (B) Date(s) of receipt and nature of the complaint(s);
  - (C) Disposition of the complaint(s), by indicating whether the matter has been:
  - (D) Referred to formal disciplinary action;
  - (E) Disposed of through any other action, formal or informal; or
  - (F) Other disposition;
  - (G) Information which is statutorily mandated to be disclosed;
  - (H) Current status of criminal prosecution resulting from a complaint received by the Board;
  - (I) A description of the type of public information not included in the system (i.e., civil judgements, criminal convictions, unsubstantiated complaints); and
  - (J) Disclaimers indicating that the system does not constitute endorsement or non-endorsement of a person, and that the system may not contain all available information.

## 2630. Issuance of Citations

- (a) The Board's executive officer is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to Sections 125.9 or 148 of the Code against landscape architects or unlicensed persons who have committed any acts or omissions which are in violation of the Landscape Architects Practice Act or any regulation adopted pursuant thereto.
- (b) Each citation:
  - (1) shall be in writing;
  - (2) shall describe with particularity the nature and facts of the violation, including specific reference to the provision or provisions of law alleged to have been violated;
  - (3) may contain one or more of the following:
    - A. an assessment of an administrative fine;
    - B. an order of abatement fixing a reasonable period of time for abatement of the violation;
  - (4) shall be served on the cited individual, in person, or at the address of record on file with the Board, or the last known address, by certified and regular mail with return receipt requested;
  - (5) shall inform the cited person that, if he or she desires an informal conference to contest the finding of a violation, the informal conference shall be requested by written notice to the Board within 30 calendar days from service of the citation;
  - (6) shall inform the cited person that, if he or she desires a hearing to contest the finding of a violation, the hearing shall be requested by written notice to the Board within 30 calendar days from service of the citation;
  - (7) shall inform the licensed person that failure to pay the fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the Board. If a citation is not contested and the fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without the payment of the renewal fee and fine;
  - (8) shall inform the unlicensed person that failure to pay the fine within 30 days of the date of assessment, unless the citation is being appealed, may result in the executive officer applying to the appropriate superior court for a judgement in the amount of the fine;
  - (A) The sanction authorized under this Section shall be separate from, and in addition to, any civil or criminal remedies.

### 2630.1. Assessment of Administrative Fines

- (a) In no event shall the administrative fine be less than \$250 or exceed \$5,000 for each violation.
- (b) In assessing the amount of an administrative fine, the executive officer shall consider the following criteria:
  - (1) The nature and severity of the violation;
  - (2) The good or bad faith exhibited by the cited person;
  - (3) Evidence that the violation was willful;
  - (4) History of violations of the same or similar nature;
  - (5) The extent to which the cited person has cooperated with the Board and the Board's investigation;
  - (6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation; and
  - (7) Such other matters as justice may require.
- (c) Where citations include an assessment of an administrative fine, they shall be classified according to the nature of the violation and shall indicate the classification on the face thereof as follows:
  - (1) Class "A" violations are violations which the executive officer has determined involve a person who has violated Business and Professions Code section 5640 by, including but not limited to, acting in the capacity of a landscape architect or engaging in the practice of landscape architecture. A class "A" violation is subject to an administrative fine in an amount not less than seven hundred and fifty dollars (\$750) and not exceeding two thousand five hundred dollars (\$2,500) for each and every violation.
  - (2) Class "B" violations are violations which the executive officer has determined involve either a person who, while engaged in the practice of landscape architecture, has violated a statute or regulation relating to the practice of landscape architecture and which has caused physical damage to a structure or building or to real property or monetary damage to a client or member of the public, or a person who has committed a class "C" violation and has one or more prior, separate class "C" violations. A class "B" violation is subject to an administrative fine in an amount not less than one thousand dollars (\$1,000) and not exceeding two thousand five hundred dollars (\$2,500) for each and every violation.
  - (3) Class "C" violations are violations which the executive officer has determined involve a person who, while engaged in the practice of landscape architecture, has violated a statute or regulation relating to the practice of landscape architecture and which has not caused either the death or bodily injury to another person or physical damage to a structure or building or to real property or monetary damage to a client or a member of the public. A class "C" violation is subject to an administrative fine in an amount not less than two hundred and fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) for each and every violation.
- (d) Notwithstanding the administrative fine amounts specified in subsection (c), a citation may include a fine of up to between \$2,501 to \$5,000 if one or more of the following circumstances apply:
  - (1) The citation involves a violation that has an immediate relationship to the health and safety of another person.
  - (2) The cited person has a history of two or more prior citations of the same or similar violations.
  - (3) The citation involves multiple violations that demonstrate a willful disregard of the law.
  - (4) The citation involves a violation or violations perpetrated against a senior citizen or disabled person.